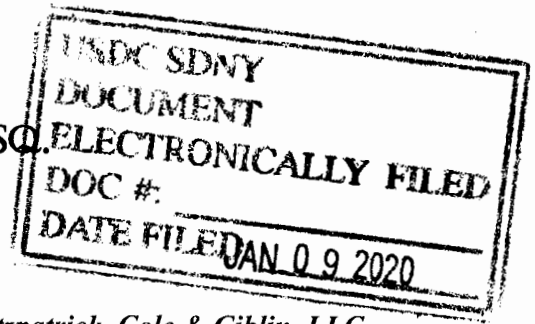


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January 9, 2020

The Honorable Judge George B. Daniels
United States Courthouse
500 Pearl Street
New York, NY 10007

SO ORDERED
The January 16, 2020
conference is adjourned to
March 5, 2020 at 9:30 a.m.
JAN 09 2020
George B. Daniels
HON. GEORGE B. DANIELS

***Re: 1:19-cv-04909-GBD, Malibu Media, LLC v. John Doe, Subscriber ID 107.14.54.128
- Plaintiff's Second Motion to Extend the Deadline to File Joint Discovery/Case
Management Plan and Request for Adjournment of the Initial Pretrial Conference Set
for January 16, 2020 at 9:30 a.m.***

Dear Judge Daniels:

Plaintiff, Malibu Media, LLC, moves for entry of an order extending the time within which Plaintiff has to file a Joint Discovery/ Case Management Plan currently set for September 26, 2019 and adjourn the Initial Pretrial Conference on October 3, 2019, and states:

1. Plaintiff filed a complaint against the Internet subscriber assigned IP address 107.14.54.128 ("Defendant") alleging that Defendant copied and distributed one or more of Plaintiff's copyrighted works. *See* CM/ECF 1.
2. Since Defendant was only known to Plaintiff by Defendant's IP address, in order to obtain Defendant's true identity, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena on the Defendant's Internet Service Provider seeking Defendant's identity [CM/ECF 9].
3. On June 20, 2019, Plaintiff was granted leave to serve a third-party subpoena on

Defendant's ISP, Charter Communications, Inc., to obtain the Defendant's identifying information [CM/ECF 15].

4. Upon receipt of the subscriber's identifying information, Plaintiff conducted a thorough investigation and determined that a good faith basis exists to name the subscriber as the defendant infringer.

5. On November 1, 2019, Plaintiff filed its Amended Complaint to name the Defendant [CM/ECF22] and requested that the Clerk issue a summons as to the Defendant. On November 4, 2019, summons was issued [CM/ECF 24].

6. On or about November 11, 2019, Plaintiff sent the Summons and Amended Complaint to its process server. On December 4, 2019, the process server confirmed that they had attempted to serve the Defendant at least five times.

7. Therefore, Plaintiff asked its process server for an affidavit detailing its service efforts and filed a Motion for Alternate Service seeking leave of this Honorable Court to serve Defendant by alternate means subsequent to this Motion for Extension of Time. At this time, Plaintiff Motion Seeking Leave to Serve Defendant by Alternate Means remains pending before the Court.

8. Pursuant to the Court's Order, the Initial Pretrial Conference is set for January 16, 2020, therefore, the parties are due to meet, prepare, and file a proposed Joint Discovery/Case Management Plan by January 9, 2020. However, because Defendant has not been served with process, Plaintiff has not yet served its initial disclosures or been able to discuss discovery deadlines with Defendant. For the foregoing reasons, Plaintiff respectfully requests an adjournment of the Initial Pretrial Conference and an extension of the pretrial deadlines until after Defendant has been served with the amended complaint.

9. This extension will allow Plaintiff time to complete its investigation, amend the complaint and effectuate service, for Defendant to retain an attorney, and thereafter for the parties to serve its initial disclosures and confer regarding discovery deadlines.

10. This motion is made in good faith and not for the purpose of undue delay.

11. The parties will not be prejudiced by the granting of this extension.

12. This is the first request for an adjournment.

WHEREFORE, Plaintiff respectfully requests an adjournment of the Initial Pretrial Conference set for January 16, 2020 and an extension of the deadline to file the Joint Discovery/Case Management Plan.

Respectfully Submitted,

By: /s/Kevin T. Conway
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2020, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Kevin T. Conway
Kevin T. Conway, Esq.